

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	
Kelly James DuPaul,)	Case No. 1:23-cr-213
)	
Defendant.)	

On December 15, 2023, defendant made his initial appearance in the above-entitled action and was arraigned. AUSA Rick Volk appeared on behalf of the United States. Attorney Erin Conroy appeared on Defendant’s behalf.

Prior to his initial appearance, Defendant was incarcerated by the State of North Dakota at the James River Correctional Center (“JRCC”). After the Indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), Defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

At his initial appearance and arraignment, Defendant was advised of his rights under the Interstate Agreement on Detainers Act (“IADA”) to continued federal custody until the charges set forth in the Indictment are adjudicated. Defendant waived in open court the anti-shuttling provisions of the IADA and agreed to remain in the custody of the State of North Dakota (the “sending state” under the IADA) at JRCC pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA).

The court accepts Defendant's waiver, finding that it was made knowingly and intelligently, voluntarily, and upon advice of counsel. Accordingly, the court **ORDERS** that Defendant be returned to and housed by the "sending state" under the IADA pending further proceedings or until further order of the court. Further, pursuant to Defendant's waiver, return of Defendant to the "sending state" pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment.

Dated this 15th day of December, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court